

Maximum Diversion Rate: 0.16 CFS

ALAN H ANDERSEN
AND/OR
NORMA ANDERSEN
488 RIVERSIDE DR
BURLEY ID 83318-5419

Tributary: SNAKE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.04 CFS	
AESTHETIC	01/01 to 12/31	0.12 CFS	
AESTHETIC STORAGE	01/01 to 12/31		0.1 AF

DUCK CREEK	L1 (NE¼ NW¼), Sec. 31, Twp 10S, Rge 24E, B.M.	CASSIA County
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[illegible][illegible][illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 45-14516

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2021**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversions.
5. Points of diversion and places of use are located within Lot 9, Block 1 of Springdale Acres Subdivision.
6. Rights 45-14516, 45-7375, and 45-7697 when combined shall not exceed the irrigation of 1/2 acre on Lot 9, Block 1 of Springdale Acres Subdivision.
7. Aesthetic use of water under this right shall be non-consumptive.
8. The aesthetic storage established by the storage of water under this right shall not exceed a total capacity of 0.1 acre-feet or a total surface area of 625 square feet.
9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 12th day of April, 2019.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

45-14516

This map depicts the place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

24E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Gary Spackman
Director

April 15, 2019

ALAN H ANDERSEN
NORMA ANDERSEN
488 RIVERSIDE DR
BURLEY ID 83318-5419

RE: Permit No. 45-14516

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a water master in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a small "C" at the end.

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019, I served a true and correct copy of Permit to Appropriate Water No. 45-14516 by U.S. Mail, postage prepaid, to the following:

ALAN H ANDERSEN (Current Owner)
NORMA ANDERSEN (Current Owner)
488 RIVERSIDE DR
BURLEY ID 83318-5419

WATER DISTRICT #140
BRIAN HIGGS (Water master)
355 W 500 S
BURLEY ID 83318



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Maline, Denise

From: Edelman, Frank <frank.edelman@idfg.idaho.gov>
Sent: Sunday, April 07, 2019 11:50 AM
To: Maline, Denise
Subject: Comment Letter for Water Right App. for Permit 45-14516 - IDFG Review
Attachments: IDWR_WRAApp-45-14516_V01_190315.pdf

Dear Denise,

Thank you for the opportunity to review IDWR's attached water right application No. 45-14516 on Duck Creek in Cassia Co. (Alan and Norma Andersen).

Please note that IDFG's mission is to protect, preserve, and manage Idaho's fish and wildlife resources for the public interest (Idaho Code 36-103), and the subject application is neither supported nor opposed.

IDFG has no comments or recommendations at this time.

Sincerely,

Frank

Frank Edelman
Environmental Staff Biologist
Idaho Department of Fish and Game
324 South 417 East, Suite 1
Jerome, Idaho 83338
(208) 324-4359



<https://idfg.idaho.gov/>

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 82678

RECEIVED

APR 03 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 29 day of March in the year of 2019 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-14516

ALAN H ANDERSEN
NORMA ANDERSEN
488 RIVERSIDE DR
BURLEY, ID 83318-5419

Point of Diversion L1(NENW) S31 T10S R24E CASSIA County
Source DUCK CREEK Tributary SNAKE RIVER

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Use: AESTHETIC 01/01 to 12/31 0.12 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 0.1 AF

Use: IRRIGATION 03/15 to 11/15 0.04 CFS

Total Diversion: 0.16 CFS

Date Filed: 2/27/2019

Place Of Use: AESTHETIC, AESTHETIC STORAGE, IRRIGATION T10S R24E S31 L1(NENW)

Total Acres: 0.1

Application proposes diverting up to 0.12 cfs from Duck Creek for non-consumptive aesthetic use and 0.1 acre feet for non-consumptive aesthetic storage use. Application also proposes diverting up to 0.04 cfs from Duck Creek for the irrigation of 0.1 acre in lieu of utilizing ground water currently authorized to irrigate the same 0.1 acre. Proposed points of diversion are an excavated pool, a pump in Duck Creek to divert water to an aesthetic water feature, and a 2nd pump to divert water for irrigation. Points of diversion and place of use are located on Lot 9, Block 1 of Springdale Acres Subdivision approximately 4.8 miles east of Burley on the south side of the Snake River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **April 8, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: March 21 and 28, 2019

OK
M 4/5/2019

Section: Legals

Category: 50 Legal

PUBLISHED ON: 03/21/2019, 03/28/2019

TOTAL AD COST: 142.86

FILED ON: 3/28/2019



Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 82678

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	142.86
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	142.86
Fax			
Section	Legals	Start/End Dates	03/21/2019 - 03/28/2019
SubSection		Insertions	2
Category	50 Legal	Size	92
Ad Key	82678-1	Salesperson(s)	Ruby Aufderheide
Keywords	45-14516 Andersen	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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NORMA ANDERSEN

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GARY SPACKMAN, Director

PUBLISH: March 21 and 28, 2019

needs a
space
b/t Irrigation
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